

TRY MAGAZINE MEN, URGES U. S. ATTORNEY

Marshall Protests Vigorously at
Motion to Quash Off-
Atkin Indictment.

SAYS FRAUD WAS EVIDENT

Impossible for Columbian-Sterling
Co. to Earn Its Divi-
dend, He Says.

United States District Attorney H. Snowden Marshall appeared yesterday for the first time in the case against members of the Columbian-Sterling Publishing Company, being tried before Judge Julius M. Mayer in the United States District Court. Attorney Marshall protested vigorously against the motion to quash the third count of the indictments against Frank Orff, president of the company, and against John P. D. Atkin, a Philadelphia lawyer, charged with using the mails to defraud in connection with a stock sale when six magazines were involved.

"I should regard it as an appalling misfortune that this court should send out these defendants with a certificate of good character because the court would not permit this jury of business men to pass upon this very vital matter," said the district attorney.

The argument yesterday was made in the absence of the jury, the court having ruled on Friday that it would not be advisable to have the jury present.

Attorney Arthur H. Saker of St. Louis, counsel for Orff and leading counsel for all the defendants, argued that there was no question of fact to send to the jury, and Assistant District Attorney Wood closed his argument on the other side of that question late yesterday afternoon. Judge Mayer reserved decision until Monday, but it is believed that the indictment will be finally quashed when the case is again called.

Marshall Protests Vigorously.

There has been interest in the case yesterday morning when Attorney Marshall took the floor. He briefly summed up the point under discussion. He said:

"There were 21,000 letters sent out in the mail in which it was declared that the Columbian-Sterling Company declared a dividend of 2 1/2 per cent. for three months. This followed a meeting of the board of directors, who passed a resolution that the dividend was declared by the inspection of the accounts by its auditors.

"Do you mean to say that the standard of morals of this court is such that the jury cannot pass on this when it is clearly shown that the company was unable to pay a dividend out of its earnings?"

"It is quite plain that Atkin said they could pay a dividend to the stockholders, according to their alphabetical list by the time they would have passed the names beginning with 'C' so much stock would have been sold that other dividends could be declared. When Atkin said at the meeting of the board of directors that if the board should declare a dividend they would be running into the penitentiary he was showing that they had not earned the dividend and would go to jail because they had not earned it."

"When a declaration of dividend is made the impression is created that the stockholders have money invested in a good prosperous business concern."

"Plain That Fraud Was Intended."

"Do you mean that this jury cannot pass upon this matter? This file me with the utmost amazement that you will put your official stamp upon such conduct. It is plain that any business man can see that they wanted to commit fraud."

"It will be a misfortune if this court stamps the action of these men as non-fraudulent."

Attorney Arthur H. Saker, counsel for Defendant Orff, followed Mr. Marshall and said:

"This alluring scheme was made up by these salesmen and the plain business man (Orff) soon fell under their spell. Certainly the letter he questioned never was passed on by Orff."

Assistant United States District Attorney Wood went over the evidence at the afternoon session, explaining the links which he believed connected the defendants with the crime as charged. It was evident from the remarks of Judge Mayer that he did not feel that sufficient evidence had been brought out to allow the charge against Orff and Atkin to go to the jury.

The case will be called Monday morning, when Judge Mayer will announce his decision.

TWO FOUND GUILTY OF KILLING.

Zeno and Barberi Were Tracked by Dead Man's Friends.

After deliberating from late Friday afternoon until early yesterday morning a jury before Judge Stephen in General Sessions Court brought in verdicts against Antonio Zeno and Calozaro Barberi, charged with murdering Bartolo Allegria in a saloon at 315 East 107th street five years ago. Zeno was found guilty of manslaughter in the first degree and Barberi of manslaughter in the second degree.

The killing was one of those tragedies which spring up in a moment in Little Italy and where all evidence disappears like a flash of powder. Detectives worked on the case for a while and reported that they knew there was a quarrel in the saloon and that a game of cards caused it but could not tell who were the principals or where the men had gone.

But a friend of the slain man kept watch and in April told the District Attorney's office that Barberi had opened a little fruit store in Cleveland, Ohio, and that Zeno might be found in Newark.

When the case came to trial Assistant District Attorney Barberi, despite the falling memory of some of his witnesses and gaps in the testimony because others had vanished, was able to convince the jury that the men arrested were responsible for the crime.

HENRY SEDLEY ILL OF TYPHOID.

Is Former Yale Man Who Was Ex-

The Crocker Land Expedition to Start July 2



Top Row, left to right—Ensign Fitzhugh Green, U. S. N., Dr. M. C. Tanquary, H. Elmer Ekblow; bottom row—Dr. H. J. Hunt, Dr. Donald B. McMillan, Jerome L. Allen, U. S. N.

The expedition to Crocker Land, postponed because of the drowning of George Borup in the Sound on April 28, 1909, will sail on the steamship Diana on July 2 in charge of Dr. Donald B. McMillan and will bear the name of that young Yale graduate.

Borup went north with Peary when Peary reached the pole and was the youngest member of the party. His book on the trip is well known. Crocker Land was discovered by Peary on one of his previous expeditions and it had always been Borup's ambition to locate it definitely.

An unusual feature of the party's equipment will be a large supply of whole wheat flour and biscuits to be used for the first time in Arctic exploration to prevent scurvy. As Dr. McMillan has said of this experiment in food:

"Scurvy is the thing most to be dreaded. So far as I am aware the whole wheat experiment has never been tried before. We shall take with us 5,000 pounds of whole wheat biscuit and 2,000 of whole wheat flour. It will strengthen the bones of the party."

In all 60,000 pounds of food will be taken, as will 16,000 rounds of ammunition, for practically all of the meat will be procured by hunting.

Two thousand pounds of sugar and a large quantity of tobacco will be carried also. This will be traded for dogs with the Eskimos, who have become addicted to the tobacco habit and have acquired a sweet tooth.

Dr. McMillan will carry a crew of twenty-eight men, wireless apparatus, timber for the construction of winter houses and enough provisions and utensils for four or five years in the Arctic.

The principal members of the party, according to information given out at the Museum of Natural History, will be Maurice C. Tanquary, zoologist of the State Agricultural College at Manhattan, Kan.; H. Elmer Ekblow, biologist and zoologist; Ensign Fitzhugh Green, U. S. N., physicist and engineer;

Dr. H. J. Hunt, surgeon, and Jerome L. Allen, U. S. N., electrician. Capt. Robert S. Bartlett, who commanded Peary's Roosevelt; William S. Bartlett, his uncle, or William Green probably will be chosen to take the expedition north.

After leaving New York the Diana will stop for a day in Boston to take on supplies and then proceed to Sydney, Nova Scotia, where timber for winter houses will go on board. Flagler Bay, on the west side of Kane Basin, will be the winter quarters and next winter the party will sledge supplies to Cape Thomas Hubbard, on the northern extremity of Axel Heiberg Land. It is here that Peary in 1906 saw Crocker Land, which is believed to be the beginning of a new Arctic continent.

A dinner will be given in honor of the party Tuesday evening at the University Club. Rear Admiral Robert E. Peary, Gen. Thomas H. Hubbard, Prof. Henry Fairfield Osborn and Dr. William De Witt Hyde, president of Rowland College, will speak.

COUNTRY LIFE FALLS ON CITY YOUNGSTERS

Four Little East Siders Walk 15 Miles Back From Asylum.

Sander Neneth came from Hungary to be his own master, and so he is, working hard and late in his tailor shop on the East Side for the good of his four children in the house at 254 East Tenth street, where Mrs. Sander Neneth spent her days getting meals for six and her nights tucking in the coverslets that youthful legs like to rumple. There was the junior Sander, who is 8; Kalman, aged 8; Giba, a girl nearly 7, and Elton, 5. It was the happiest sort of East Side family until the mother fell very ill last Wednesday.

Then father Sander was in a quandary. Mrs. Sander was taken to a hospital, and there is no room in an East Side tailor shop for four rather small children. The father reflected a while and then, on Thursday, sent all the youngsters to the German Old Folks Home and orphan asylum in Havemeyer avenue, way up in Unionport, The Bronx.

The oldest boy once had been in an East Side park and on him father Sander imposed the task of reconciling his sister and brothers to country life for the asylum is in a region of woods and meadows.

No Noise But the Insects.

Sander Junior led the way to a playground composed entirely of green grass, with no curbing and only an occasional hum of an insect to fill the place of the elevated railroad's roar and the loud gossip of families, eight on a floor.

The children played happily with 250 other youngsters until sundown. Then there was a meal with all they could eat, and soon after came bedtime. And with it came silence.

The four little Neneths lay staring with unblinking eyes into darkness. Not a sound could they hear. Giba called Sander by name and shuddered under a perfectly smooth coverlet at the sound of her own voice. When Sander asked her what she wanted she choked and couldn't answer. From a little distance came the sound of five-year-old Elton weeping as noiselessly as he could contrive.

After a time the four got up courage to talk in whispers. Then they decided that they could not stand another night so silent, so unlike the cheerful, polyphonic bedtimes at home. And in the morning, Friday, they slipped away from the home just before breakfast.

They were found home, just fifteen miles away, and Sander an acting head of the family asked passersby the way to Broadway. He had a hard time finding it, but by 3 o'clock in the afternoon the four Neneths were not only on Broadway, but down to 180th street. Also they were feeling pretty hungry and Elton had a toothache.

A baker gave them half a dozen rolls a little later because Giba said she could not walk any further if she didn't have something to eat. Sander for the family thanked the baker and led the way down town. The numbers of the cross streets told them they were headed right. By 10 o'clock that night they had done their fifteen miles and were on the East Tenth street doorstep. A few minutes later they had been found. All sound asleep.

Father Sander, to whom they were taken, looked very tired and pale. He took aside young Sander and told him the news—his mother was dead. Young Sander, Kalman, Giba and Elton would have to go back to the asylum again. "The boy told his sister and brothers, but the youngest couldn't understand, so they let him go right back to sleep and in the midst of the noises of the East Side he slept well."

NEW PEDESTRIAN RECORD.

Eldridge Walks From New York to Philadelphia in 22 h. 35 m.

PHILADELPHIA, June 28.—The pedestrian record from New York to Philadelphia was beaten easily today by Jack Eldridge of the Meadowbrook Club, an athletic organization of the John Wanamaker store.

His time was 22 hours and 35 minutes, which eclipses by 24 minutes the record established by John Scott of the Southward Catholic Club.

Eldridge arrived at city hall after covering the 110 miles without showing fatigue. The route taken by him was seven miles longer than that taken by Scott.

His longest stop on the route was thirty-five minutes in Trenton this morning for breakfast, which consisted of oatmeal, two scrambled eggs, two biscuits and a glass of milk. He bathed his feet in water for fifteen minutes. Besides that one meal his only refreshment during the walk was an occasional glass of milk and a few crackers.

The pedestrian's time and route to this city were as follows: Left New York 5:45 P. M.; reached Newark 7:30; Elizabeth 8:37; Rahway 10:28; Morristown 11:48; New Brunswick 12:50 A. M.; Kingston 3:05; Princeton 4:38; Trenton 6:35; left Trenton 8:20; arrived at Oxford 9:33; Humesville 11:02; Torresdale 12:55 P. M.; Holmesburg 2:04; City Hall, Philadelphia, 4:35 P. M.

Eldridge is 25 years old and is the holder of the pedestrian record between Boston and San Francisco. He walked that distance in seventy-seven days.

WATER TOWER MAKES GOOD.

Downs a Pierce Four Story Blaze in Five Minutes.

The four story brick building at 92 Greene street might have been destroyed by fire yesterday afternoon but for water tower No. 1.

When the apparatus arrived flames were roaring up through the roof from the second floor. Deputy Chief Smokey Joe Martin sent in an emergency call for a water tower.

In the meantime firemen were playing water on the third floor from the fire escapes. Flames were shooting out from the fourth floor and it looked as if a second alarm would be necessary when the water tower came up. The big nozzle swung up against the fourth floor and then turned loose 500 gallons of water a minute. In five minutes the fire was under control.

"That just shows what a tower will do when it is needed most," remarked Deputy Chief Martin. The damage was placed at \$10,000. Abraham Cohen, S. Goldsmith and J. Gottlieb occupied the two top floors, where the fire swept everything clean.

SUPPOSED WIDOW IS NONE.

Testimony in Surrogate's court shows Husband Had Previous Wife.

Surrogate Fowler confirmed yesterday a referee's report regarding the estate of Ellen Leonard Brady, who was appointed administratrix of the estate of Joseph Brady on her representations that she was his widow. She removed on the ground that the marriage was invalid because Brady had a wife living when he married her.

The testimony showed that in 1889 Brady, then known as Joseph Berwig, and one Kate Curley disappeared from their homes in New York and when they returned six months later announced that they had been married. Kate Curley showed a wedding ring containing their initials. They lived together until 1902, when Brady, married Ellen A. Leonard.

The Surrogate finds that there is sufficient evidence that Brady or Berwig was the husband of Kate Curley and that she was still alive when he married Ellen A. Leonard.

Grand Central Lunch Man Arrested.

A. J. Faulkner, 49 years old, night manager of Thompson's lunch room in the Grand Central Terminal, was locked up last night in the West Fifty-first street station charged by J. R. Thornton, day manager, with taking \$94 from the cash drawer.

STOWAWAY LEAPS INTO RIVER FROM LAPLAND

Educated Foreigner Tries to Escape, but Sailors Drag Him Back.

The spectacle of a well dressed young man climbing over the rail of the Red Star liner Lapland and leaping into the Hudson started passengers on the promenade deck ten minutes before the ship sailed yesterday morning.

Two sailors were chasing the young man and they added to the interest by jumping after him. There was a brief struggle in the water and the young man, who was much upset by his plunge, was easily subdued and hauled aboard the ship at the end of a line provided with dry clothing and locked up in a cabin.

The young man is, or says he is, Frederick M. Stenger of Antwerp, and he stowed away aboard the Lapland on her last trip to this port. He was discovered when the ship was a few days out and put to work. Later he hid himself and was found in the storeroom helping himself to the best things there.

He was taken to Ellis Island for safe keeping and on Friday night was taken back to the liner. The steward, who stood guard over the room in which the stowaway was placed, went to get Stenger a glass of water at the latter's request. Stenger then slipped out of the room and hid himself aboard. He was not found again until yesterday morning, when searchers routed him from behind a pile of baggage in the hold.

Stenger ran up a ladder to the main deck and continued through passageways, going aloft until he reached the promenade deck. The sailors were close at his heels and to avoid capture he ran to the rail and went over.

Stenger said he was a "gentleman" dead broke and that he hoped to be permitted to retrieve his fortune in America. He is strong, well built and well educated, according to the Belgian officers of the Lapland, but a stowaway is a stowaway and cannot land here unless he happens to be a native.

ASK \$30,000 MORE FOR CHARITY.

Chain Letter Sent Out by Brooklyn Jewish Federation.

A chain letter is to be started this week by Benjamin H. Namm, chairman of the Brooklyn Federation of Jewish Charities, to help to raise \$30,000 to complete the fund needed to carry on the work of the organization in that borough.

In their letter, telling of the renewed effort to secure the needed money, the officers express their gratitude for the support during the federation week and point out that no one who contributed during that campaign is expected to contribute additional money, but simply requested to send the letters to friends or acquaintances who have not yet subscribed.

This letter is signed by Nathan S. Jonas, Simon F. Rothschild, Louis L. Firsiroti, Julius Dahmer, Joseph M. May, Adolph Goldstein, Mrs. Otto Kemper, Edward C. Brenner, Frank Penitance, Edward C. Blum, Isidor Isaacson, Alexander H. Goss, Mark M. Salomon, Benjamin H. Namm, Mrs. Nathaniel H. Levi and Mrs. Michael John.

YORKVILLE COURT TO REOPEN.

\$15,000 Has Been Spent on Interior Alterations.

The Yorkville police court on East Fifty-seventh street will reopen on Tuesday after being closed for ten months to permit interior alterations for which \$15,000 had been appropriated.

It was expected that the work would be done in less than three months at the time the contract was let.

The day and night police courts will occupy the street side of the second floor, where the Municipal Court used to be. The Domestic Relations Court will hold sessions on the east side of the first floor.

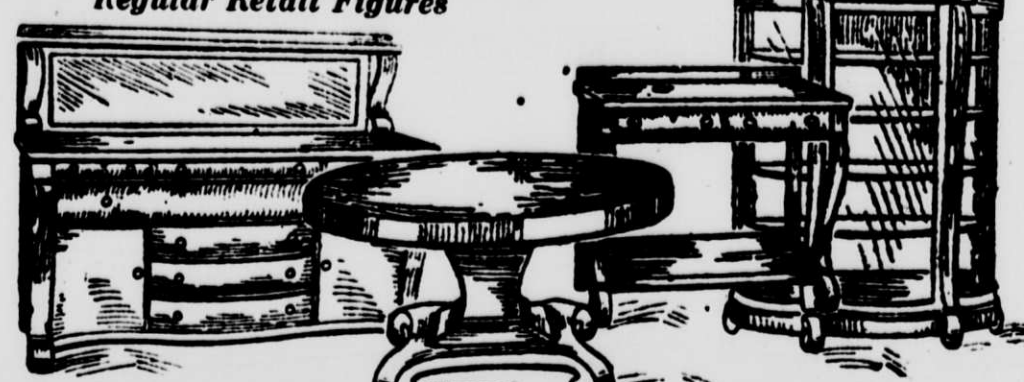
"Everybody's Going to THE BIG STORE"

Notice to Charge Customers
Purchases made tomorrow will be regarded as if made in July, and bill will be rendered on August 1st.

MAIN BUILDING
Our Cut Flower Special—
Beautiful, Long-Stemmed, Fragrant **Roses 39c**
Elsewhere \$1.25 to \$1.50 a dozen. our price, tomorrow, a dozen (Main Floor, MAIN BUILDING.)

"Odds and Ends" Sale
Clearance of all odd lots and broken assortments of desirable summer goods before "THE GLORIOUS 4TH."
This is our after-inventory dispersal, when original cost and former selling prices are not seriously considered.

GREENHUT BUILDING
Choice Furniture
"Sample" Sets and Pieces Purchased From The Furniture Exchange
THE FINEST LOT OF FURNITURE we have ever had the pleasure of offering in a special sale.
The Selling Prices are 1/2 to 1/3 of the Regular Retail Figures



\$331 Four-piece Mahogany Colonial Suite, for \$189.50
Buffet—5 ft. high; has French bevel mirror, size 14x60 inches; top is 6 ft. long and 25 inches deep; \$75
Extension Table—54 inches in diameter; 8-ft. extension; flush edge; regularly \$31; at \$36
China Closet—all glass shelves and mirror backs; 68 inches high, 55 in. wide; regularly \$105; at \$60
Serving Table—top is 40x20 inches; 40 inches high; regularly \$31; at \$18.50

4-PIECE MAHOGANY COLONIAL SUITE, COMPLETE, regularly \$331, at \$189.50
\$20 Quartered Oak Extension Table—finished in a rich golden oak color; heavy pillar; handsome claw feet; 45 inches in diameter; 6-ft. extension; \$11.75
\$16 Golden Oak China Closet—64 inches high; 38 inches wide; bent glass ends; neat claw feet; for \$9.50
\$25 Quartered Oak Buffet—finished in a rich golden oak; French beveled mirror, 10x38 inches; top is 44x20 inches; 1 long drawer and 2 small ones; French legs; for \$14.75

Mahogany China Closets
Regularly Sale Price
\$75.00 \$49.50
\$21.00 \$12.00
\$31.50 \$18.25
\$5.00 \$2.00

Golden Oak China Closets
Regularly Sale Price
\$18.75 \$11.00
\$25.00 \$15.00
\$32.00 \$20.00
\$37.00 \$23.00
\$46.00 \$27.25
\$72.00 \$42.25
\$83.00 \$48.75
\$52.00 \$30.00

Early English China Closets
Regularly Sale Price
\$40.00 \$24.00
\$37.00 \$22.00
\$45.00 \$26.00
\$53.00 \$31.00

Golden Oak Extension Tables
Regularly Sale Price
\$21.00 \$12.00
\$31.50 \$18.25
\$5.00 \$2.00

Early English Extension Tables
Regularly Sale Price
\$36.00 \$21.75
\$30.00 \$17.50
\$2.00 \$0.95

Mahogany Extension Tables
Regularly Sale Price
\$41.00 \$24.50
\$49.00 \$30.75
\$8.00 \$3.50

Golden Oak Buffets
Regularly Sale Price
\$22 Golden Oak Serv. \$12.50
\$26 Mahogany Serv. \$15.50
\$18.50 Mahogany Serv. \$10.75
\$20.50 Early English Serv. \$12
\$15.50 Early English Serv. \$9

Mahogany Buffets
Regularly Sale Price
\$69.00 \$40.00
\$105.00 \$61.25
\$78.00 \$46.50
\$32.00 \$19.25
\$40.00 \$24.00
\$7.00 \$3.00

Early English Buffets
Regularly Sale Price
\$32.00 \$19.25
\$40.00 \$24.00
\$7.00 \$3.00

Parlor Cabinets
Regularly Sale Price
\$40.00 \$23.50
\$20.00 \$12.50
\$26.00 \$15.50

Bookcases
\$30 Golden Oak Book- \$18.25
cases—at
\$25 Golden Oak Bookcases \$15
—at
\$31 Golden Oak Book- \$18.50
cases—at
\$41 Mahogany Book- \$24.25
cases—at
\$40 Early English Bookcases \$24
—at
\$22 Early English Bookcases \$12
—at

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EVENING
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